

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeff S. Eder

Serial No. 09/940,450

Filed: August 29, 2001

For: AN AUTOMATED METHOD OF
AND-SYSTEM FOR IDENTIFYING,
MEASURING AND ENHANCING
CATEGORIES OF VALUE FOR
A VALUE CHAIN

Examiner: Clement Graham

Art Unit: 3628

RECEIVED
CENTRAL FAX CENTER
DEC 01 2003

OFFICIAL

OFFICE ACTION ERRORS AND OMISSIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I have reviewed the office action of 24 November 2003 for the instant application (serial number 09/940,450) and find that it is not responsive to the amendment/reply of 19 August 2003 and that it contains a number of errors and omissions. As detailed below, the errors and omissions are so pervasive that the office action of 24 November 2003 can not be used as the basis for advancing the prosecution of the instant application.

The amendment/reply of 19 August 2003 amended pending claims 34 through 60 and added claims 61 through 134. The amendment/reply of 19 August 2003 also detailed the fact that U.S. Patent 6,332,163 (hereinafter Bowman-Amuah) that was used as the basis for § 102 rejections of many of the pending claims failed to describe elements contained in every one of the cited claims. MPEP § 2131 provides that "a claim is anticipated (under § 102) only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference."

Serial No. 09/940,450

- 1 -

Examiner: Clement Graham
Art Unit: 3628

The table below contains the location and description of the errors and omissions in the office action of 24 November 2003 and the requested action.

Location	Description	Requested Action
Page 2	35 USC 101 rejection of claim 1, instant application does not have an active claim 1	remove the language or identify one or more active claims
Pages 3 - 12	amendments to claims 35 through 60 contained in the amendment/reply of 19 August 2003 are not reflected, rejections associated with the revised claims are unknown	revise the language to reflect the amendments to claims 35 through 60 contained in the amendment/reply of 19 August 2003
Page 12	35 USC 103(a) rejection of claims 1-11, instant application does not have active claims 1 - 11	remove the language or identify one or more active claims
Page 13	conclusion that arguments of 19 August 2003 are moot in view of new grounds, Bowman Amuah is still being used as the basis for at least one § 102 rejection (see second item – number and type of rejections that are associated with 25 claims are still unknown)	remove § 102 rejections based on Bowman Amuah or explain why Bowman Amuah is a valid basis for § 102 rejections even though it does not meet the requirements for supporting a § 102 rejection for even one claim as documented in the amendment/reply of 19 August 2003

*date on page 14 should also be changed from August 17, 2003

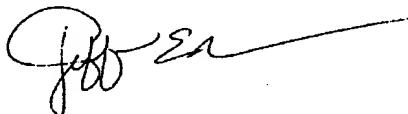
The prosecution of the instant application can not reasonably be expected to advance if the Applicant does not:

- understand the full scope of the objections that are being raised (reason that first and third items need to be addressed),

- understand if Bowman Amuah is still being used as the basis for § 102 rejections when the amendment/reply of 19 August 2003 thoroughly documents the fact that Bowman Amuah does not describe elements in each of the rejected claims as required by MPEP § 2131 (reason last item needs to be addressed). It is interesting to note that this failure extends to claims where features of the invention described by Bowman Amuah are combined with features of independent products (for example, as presented by the Examiner in re: claim 34); and
- understand if the Examiner has any objections to the amended form of 25 claims (reason that the second item needs to be addressed).

Because these errors and omissions are so extensive I respectfully request that the office action of 24 November 2003 be withdrawn and the associated deadline of 24 February 2003 be cancelled. I would ask that you contact me via phone (at 425-483-4425 x131 or fax 425-984-0244) to advise me as to your plans to address the issues raised by this communication by the end of the week. If I do not hear from you by the start of business on 8 December 2003 I will file a petition with the Commissioner of Patents asking for the relief outlined above. Under any circumstance I will expect that the statutory period for reply will be 3 months from the date of mailing of an office action that documents the full scope of the Examiner's objections to the amended claims and addresses the legitimate concerns raised by the amendment/reply of 19 August 2003.

Respectfully submitted,



Jeff S. Eder, Practitioner Number 52,849

Dated: December 1, 2003

Serial No. 09/940,450

- 3 -

Examiner: Clement Graham
Art Unit: 3628